

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JORGE MIRANDA-SANG,

Defendant.

19-cr-536(PKC)

ORDER

CASTEL, Senior District Judge:


On November 29, 2022, defendant was sentenced principally to a term of imprisonment of 240 months. (Minute Entry; ECF 365.)

On January 10, 2024, defendant moved for a sentence reduction (ECF 507) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively. The United States Probation Department has issued a report indicating that defendant is not eligible for a sentence reduction.

Defendant is eligible for a “Status Points” review because he received a two point enhancement for committing the instant offense while under a criminal justice sentence. With the application of Amendment 821, defendant would no longer have 6 criminal history points but 4 criminal history points. However, this reduction in criminal history points would not take him out of Criminal History Category (“CHC”) III, the CHC he was in at the time of sentencing. This is because a defendant with 4, 5 or 6 criminal history points is in CHC III. Thus he is not eligible for a sentence reduction based upon an adjustment to his “Status Points.” He is also ineligible for a “Zero-Points Offender” reduction because he did not have zero criminal history points.

It is hereby ORDERED that the defendant is ineligible for a sentence reduction under Amendment 821 and the motion (ECF 507) is DENIED.

SO ORDERED.



P. Kevin Castel
Senior United States District Judge

Dated: April 15, 2024
New York, New York